IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 13TH JUNE 2007 / 23RD JYAISHTA 1929

WA.No. 1271 of 2007()

AGAINST THE JUDGEMENT IN WPC.31272/2003 Dated 06/10/2006
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APPELLANTS: RESPONDENTS 1 & 2
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1. THE KERALA STATE ELECTRICITY BOARD,
VYDYUTHI BHAVAN, PATTOM, THIRUVANANTHAPURAM,
REPRESENTED BY ITS SECRETARY.

2. THE CHAIRMAN, KERALA STATE ELECTRICITY
BOARD, VAIDHYUTHI BHAVAN,
THIRUVANANTHAPURAM.

BY ADV. SRI.N.N.SUGUNAPALAN(SR.)SC,KSEB
SRI.S.SUJIN

RESPONDENT: PETITIONER

LEKHA S.NAIR,
D/O.LATE K.K.JANARDHANAN NAIR,
& W/O SREEKUMAR, RESIDING AT SREEVALSAM, ATTUVA,
AIRANIKUDY P.O., PANDALAM, (VIA) PATHANAMTHITTA.

BY ADV. SRI. GEORGE POONTHOTTAM

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 13/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.Radhakrishnan
&
Antony Dominic, JJ.
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W.A.No.1271 of 2007
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Dated this the 13th day of June, 2007.

JUDGMENT

Radhakrishnan,J.

Writ Appeal has been preferred by the Board aggrieved by the judgment of the learned single Judge. Respondent herein has challenged Ext.P19 order dated 16.8.2003 rejecting her application for compassionate appointment. Earlier she filed O.P.No.26717 of 2002 challenging Ext.P13 order dated 13.8.2001, which was quashed by this Court and directed to reconsider the matter. Learned single Judge noticed that rejection of the application filed by the petitioner for employment assistance was discriminatory. A decision was referred to in the judgment reported in **Sunithakumari** v. **K.S.E.B.** - 1992(2) K.L.T. 157 wherein this Court took the view that married daughter of an employee are not entitled for employment assistance. As per Ext.P12, the Board has clarified that married daughter of a deceased Board employee is also eligible for appointment under compassionate appointment scheme, but it was ordered that settled cases would not be re-opened. The only point canvassed by the Board was that on the basis of Regulation 7 the dependant of a Board employee who retires on the ground of mental infirmity or who retires on being permanently incapacitated to work, such permanent incapacitation to work being certified by an apporoved Medical Board duly constituted by Government, shall also be eligible for appointment under these

Regulations, provided the period from the date of such retirement to the normal date of retirement of such Board employees on superannuation is one year or more. Application submitted by the petitioner could not be considered, since only three months were left from the date of invalid pension on 30.1.2001 to the date of superannuation on 30.4.2001. Learned single Judge however noticed vide Ext.P12 by which similar benefits were given to others. No explanation was given by the Board in Ext.P19 not to entertain the claim of the petitioner. In the circumstances, the learned single Judge took the view that there is no justification in rejecting the application and therefore directed reconsideration. We find no infirmity in the view expressed by the learned single Judge.

Wit Appeal is dismissed. Period for compliance of the judgment of the learned Judge is extended by 45 days.

K.S.Radhakrishnan,
Judge.

Antony Dominic,
Judge.

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